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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/022,142	12/12/2001	Robert Sesek	10012627-1	1691

7590 04/16/2007
HEWLETT-PACKARD COMPANY
Intellectual Property Administration
P.O. Box 272400
Fort Collins, CO 80527-2400

EXAMINER

PLUCINSKI, JAMISUE A

ART UNIT	PAPER NUMBER
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3629

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	04/16/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/022,142

Applicant(s)

SESEK ET AL.

Examiner

Jamisue A. Plucinski

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 January 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-34 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application
- ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 1/17/07 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 1-8, 11-14, 16, 18-25, 28-31 and 33 are rejected under 35 U.S.C. 102(b) as being anticipated by Sansone et al. (5,072,401).

4. With respect to Claims 1 and 18: Sansone discloses a method (and means) for feed forward mail load notification in a mass mail operation (see abstract) comprising the steps:

a. Monitoring an actual mail production characteristic (Column 3, lines 48-67, all information about each piece of mail at each mailer site is collected, therefore the examiner considers this to be a form of monitoring, Column 10, lines 1-12 discloses monitoring the actual mail that is being produced as well as the printer making hard

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copies as well as address, which the examiner considers to be a mail characteristic, as well as discloses the mail output has a counter for actual mail pieces, Column 8, lines 9-11);

b. Producing and transmitting a mail load forecast corresponding to the actual mail production characteristic (see abstract, Column 3, lines 48-67, In Column 9, lines 46-47 Sansone discloses the information transmitted on the batches concerns mail that will shortly be generated, as well as discloses the information used in the printing of the mail pieces in column 10, lines 1-12, is used for mail load data for batch mailing and merge mailing, which the examiner considers to be used for the forecast of mail, due to the fact that the mail has yet to be delivered to carrier at this point);

c. Notifying the carrier of the mail load in order for the post office to plan accordingly (Column 3, lines 48-67 and Column 12, lines 23-47). Sansone discloses continuously notifying the carrier of the load forecast, therefore notifies the carrier when there is a variance and when there is not a variance. It should be noted that the claimed limitation "if said monitoring step indicates a variance in the mail production characteristic" is claims as an "if" step, and if there is no variance, then this step would not be performed.

5. With respect to Claims 2 and 19: Sansone discloses a two-way communication with the Post office, so that the mailers can time their production to unsure rapid processing by the postal service (Column 3, lines 48-67).

6. With respect to Claims 3 and 20: See Sansone, Column 4, lines 53-56, Column 14, lines 27-56.

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7. With respect to Claims 4 and 21: Column 3, lines 48-67.
8. With respect to Claims 5 and 22: Sansone discloses the monitoring parameters of each batch of mail that has been generated, therefore the examiner considers this to be a form of mail production history (Column 3, lines 30-47).
9. With respect to Claims 6 and 23: Sansone discloses monitoring the mail that is available for pick-up, which the examiner considers to be on hand, and therefore inventory (Column 11, lines 12-25).
10. With respect to Claims 7 and 24: Column 6, lines 1-15.
11. With respect to Claims 8 and 25: Sansone discloses the monitoring of mail is for what is currently needed to be mailed, therefore the examiner considers this to be monitoring the present mail production rate (Column 9, lines 33-47).
12. With respect to Claims 11 and 28: See Sansone Column 14, lines 27-35 and Column 15, lines 11-20.
13. With respect to Claims 12-14 and 29-31: See Column 10, lines 20-27.
14. With respect to Claims 16 and 33: See Column 5, lines 41-67.

Claim Rejections - 35 USC § 103

15. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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16. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

17. Claims 9, 10, 15, 17, 26, 27, 32 and 34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Sansone.

18. With respect to Claims 9, 10, 26 and 27: Sansone, discloses the data center providing a mail load forecast, however, fails to disclose the forecast be based on daily production or updated periodically (the examiner considers the fact that if the forecast is a daily production forecast, then it is updated daily, and hence periodically). The examiner takes official notice that it is old and well known in the art to deliver mailings on a once daily basis to the post office. This is done when the post office delivers mail, or picks up mail from a mailbox, it is done once a day. Therefore, it would have been obvious to one having ordinary skill in the art, when preparing a forecast of batch mail that is will be delivered to the post office, it is based on a daily rate, in order to eliminate multiple trips to the post office, and to increase efficiency on the mailers.

19. With respect to Claims 15, 17, 32 and 34: Sansone discloses the notification is sent using a high speed telecommunications network, however fails to disclose the notification being sent over the internet or telephonically. At the time the invention was made, it would have been an

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obvious matter of design choice to a person of ordinary skill in the art to have the notification be sent over the internet or telephonically because Applicant has not disclosed that either of these methods of notification provides an advantage, is used for a particular purpose, or solves a stated problem. One of ordinary skill in the art, furthermore, would have expected Applicant's invention to perform equally well with either the notification being sent over a high-speed communications network, the internet or telephonically. Therefore, it would have been an obvious matter of design choice to modify Sansone, to obtain the invention as specified in claims 15, 17, 32 and 34.

Response to Arguments

20. Applicant's arguments filed 9/7/06 have been fully considered but they are not persuasive.

21. With respect to Applicant's argument that the claims are reciting a "forecast" not actual numbers: The applicant has stated that the specification shows that there is a difference between the actual load and the forecast due to the fact that the actual daily production is used to determine the forecast. Sansone discloses in Column 9, that the information transmitted can be for mail which "will shortly be generated, but has not yet been delivered", therefore this is only a forecast of what is going to be delivered, the mail has not been generated yet. Therefore, all of the information or data generated in terms of the batch mailing can be for mail that has not been generated, therefore considered to be a forecast. The forecast is merely (as defined by the Merriam-Webster Online dictionary), the word forecast, can mean a prediction of future happening, but can also mean an indication of something that is likely to occur. Sansone

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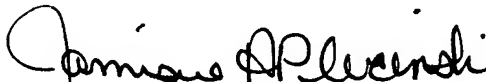
discloses that the mail load information is based on the actual delivery date and time of the densified mail batches it will soon receive, but the batches have not yet been received, therefore the information given in Sansone, is an indication of what will happen, or what will likely happen. The examiner considers this to be a prediction of future happening, because it has not yet happened. The term "mail production characteristic" is a very broad term, and therefore because the production can be from printing the mail piece, to placing the postage as well as counting the mail pieces, then as long as this information is monitored and used for the mail load notification, it is considered to be part of the forecast, which the examiner considers Sansone to disclose. Rejections stand as stated above.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jamisue A. Plucinski whose telephone number is (571) 272-6811. The examiner can normally be reached on M-Th (5:30 - 4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Weiss can be reached on (571) 272-6812. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.


Jamisue Plucinski
Patent Examiner
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